

BINGHAM MCCUTCHEN LLP
DONALD DAVIDSON (SBN 231908)
KEVIN J. WOODS (SBN 214819)
Three Embarcadero Center
San Francisco, CA 94111
Telephone: 415-393-2000
Fax: 415-393-2286
donald.davidson@bingham.com
kevin.woods@bingham.com

Of Counsel

BINGHAM McCUTCHEN LLP
MICHAEL D. BLANCHARD
One State Street
Hartford, CT 06103-3178
T 860.240.2700
F 860.240.2800
michael.blanchard@bingham.com

Attorneys for Defendants
Wachovia Securities, LLC, Wachovia Securities
Financial Network, LLC, Wachovia Capital Markets,
LLC, Wells Fargo Advisors, LLC, Wells Fargo
Advisors Financial Network, LLC, Wells Fargo
Securities, LLC, Wells Fargo & Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THEODORE KAGAN, JAMES AVEN, LAURA
JACOBS, JOSEPH SOFFE, and ALBERKRACK
FAMILY LIMITED PARTNERSHIP, on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

WACHOVIA SECURITIES, LLC, a North
Carolina limited liability company; WACHOVIA
SECURITIES FINANCIAL NETWORK, LLC, a
North Carolina limited liability company;
WACHOVIA CAPITAL MARKETS, LLC, a
North Carolina limited liability company;
WELLS FARGO ADVISORS, LLC, a Delaware
limited liability company; WELLS FARGO
ADVISORS FINANCIAL NETWORK, LLC, a
Delaware limited liability company; WELLS
FARGO SECURITIES, LLC, a Delaware limited
liability company; WELLS FARGO &

No. CV 09 5337 SC

**JOINT STIPULATION BETWEEN
PLAINTIFFS AND DEFENDANT
WACHOVIA SECURITIES, LLC
AND [PROPOSED] ORDER RE:
DATES FOR FILING RESPONSIVE
PLEADING AND FOR CASE
MANAGEMENT CONFERENCE**

Place: Courtroom 1
Judge: Hon. Samuel Conti

A/73290297.1/3003050-0000343638

1 COMPANY, a Delaware corporation and DOES
2 1 through 10, inclusive,
3 Defendants.

4 This Stipulation is entered into by and among plaintiffs Theodore Kagan, James
5 Aven, Laura Jacobs, Joseph Soffa and Alberkrack Family Limited Partnership (collectively,
6 "Plaintiffs"), on the one hand, and defendant Wachovia Securities, LLC ("Defendant"), on the
7 other hand, with the following facts:

8 A. Plaintiffs filed their Summons and Complaint in the above-captioned matter
9 (the "Complaint") on or about November 10, 2009;

10 B. Plaintiffs served their Complaint on Defendant Wachovia Securities, LLC on
11 or about January 22, 2010;

12 C. Plaintiffs have not yet served the Complaint on the other defendants in this
13 action;

14 D. A Joint Case Management Conference Statement is currently due by February
15 12, 2010;

16 E. A Case Management Conference is currently set for February 19, 2010, at
17 10:00 a.m. in Courtroom #1;

18 F. Plaintiffs and Defendant have met and conferred in good faith over the claims
19 asserted in the Complaint.

20 **IT IS HEREBY STIPULATED AND AGREED as follows:**

21 1. Defendant's response to the Complaint is currently due Thursday, February 11,
22 2010.

23 2. A Case Management Conference is currently set for February 19, 2010, at 10:00
24 a.m. in Courtroom #1, and the Plaintiffs and Defendant's Joint Case Management Conference
25 Statement is due by February 12, 2010.

1 3. Defendants seek an extension of time to respond to the Complaint, to allow
2 Plaintiffs and Defendants to further discuss the issues presented in the Complaint, and potentially
3 narrow those issues. Defendants also seek additional time for preparation of the response to the
4 Complaint.

5 4. Plaintiffs consent to granting Defendant an extension of time in which Defendant
6 must respond to the Complaint, of thirty (30) days. Subject to the Court's approval, Defendant
7 shall file its response to the Complaint on or before March 11, 2010.

8 5. Plaintiffs and Defendant agree, subject to the Court's approval, to continue the
9 Case Management Conference to May 7, 2010, at 10:00 a.m. in Courtroom #1, and to file their
10 Joint Case Management Conference Statement by April 27, 2010.

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 6. Plaintiffs and Defendant have met and conferred in good faith over the claims
2 asserted in the Complaint.

3
4 DATED: February 10, 2010

Bingham McCutchen LLP

5
6 By: 

Donald S. Davidson
Michael D. Blanchard
Kevin J. Woods
Attorneys for Defendant
Wachovia Securities, LLC

7
8
9
10
11 DATED: February 9, 2010

Kabatech Brown Kellner LLP

12
13 By: 

Alfredo Torrijos
Attorney for Plaintiffs

14
15
16
17 **IT IS SO ORDERED.**

18 Defendant shall file its response to the Complaint on or before March 11, 2010,
19 the Case Management Conference is continued to May 7, 2010, at 10:00 a.m. in Courtroom #1,
20 and the Joint Case Management Conference Statement is due by April 27, 2010.

21
22 DATED: February 11, 2010

